

Law Offices

One Logan Square, Ste. 2000
Philadelphia, PA
19103-6996

215-988-2700 phone
215-988-2757 fax
www.drinkerbiddle.com

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March 14, 2014

VIA ELECTRONIC MAIL
AND CERTIFIED MAIL

Ms. Bonnie Hriczko
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, MS-2111
Edison, NJ 08837

**RE: Request for Information Pursuant to Section 104 of CERCLA
Superior Barrel and Drum Site
Elk, Gloucester County, New Jersey**

Dear Ms. Hriczko:

We represent the interests of Congoleum Corporation ("Congoleum") and write in response to the United States Environmental Protection Agency's ("EPA") Request for Information ("Request") concerning the Superior Barrel and Drum Site ("Site"), dated January 9, 2014. By email dated February 7, 2014, you kindly granted Congoleum an extension of time until March 16, 2014 to respond.

General Objections and Responses:

As a preliminary matter, Congoleum objects to the Request, including the Definitions and Instructions, to the extent it is vague, overbroad and unduly burdensome, and to the extent that it seeks information unrelated to the Site. Congoleum also objects to the Request to the extent it seeks information beyond the scope of what EPA is entitled to request under Section 104 of CERCLA. Finally, Congoleum objects to the Request to the extent that it seeks information protected by the attorney-client privilege, work-product doctrine, and/or any other applicable privileges. These objections are incorporated into each response.

Subject to and without waiving any of its objections, after a diligent search of its records, Congoleum has no information to suggest that any barrels, drums, containers, hazardous substances, or waste materials generated by Congoleum were transported to, or deposited at, the Site. After a diligent search, Congoleum has found two documents, which are enclosed, which demonstrate that in 2001, Congoleum purchased supplies from Superior Barrel and Drum Company, Inc. ("SBD"), including 55-gallon drums, 5-gallon steel pails, and drum rings. To the best of Congoleum's knowledge, these purchases reflect Congoleum's only dealings with



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SBD. Although no other information is available, in the interest of completeness, Congoleum is responding to the individual questions in the Request in the following section.

Specific Responses

1.0

- a. *State the correct legal name of the Company.*
 - **Response:** Congoleum Corporation is the correct legal name for the Company.
- b. *Identify the legal status of the Company (corporation, partnership, specify if other) and the state in which the Company was organized.*
 - **Response:** Congoleum is a Delaware corporation.
- c. *State the name(s) and address(es) of the officer(s) of the Company.*
 - **Response:** See General Objections.
- d. *If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the officer(s) of those organizations. Provide the same information for any further parent/subsidiary relationships.*
 - **Response:** Not Applicable.
- e. *If the Company is a successor to, or has been succeeded by, another, identify such other company and provide the same information requested above for the predecessor or successor company.*
 - **Response:** Not Applicable.
- f. *If the Company transacted business with SBD in the name of an entity not already disclosed, give the name of such entity and state its relationship to the Company.*
 - **Response:** Not Applicable.

2.0

- a. *Describe in detail the nature of your Company's business during the years 1974 to the present. If the nature of the business has not been constant,*

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describe the changes that have occurred, including any name changes, and when they occurred.

- **Response: See General Objections.**

- b. *Describe your Company's operations from 1974 to the present and identify all chemicals used or produced as a result of your Company's operations during that period, including any chemical substances used to clean equipment or machinery and the nature and chemical constituents of all waste streams and their disposition.*

- **Response: See General Objections.**

3.0

- a. *State whether the Company or any Company facility conducted any business transactions with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").*

- **Response: See General Objections and Response.** Subject to and without waiver of the foregoing objections, Congoleum has no information to suggest that engaged in any business transaction with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers.

- b. *If so, identify each such facility and describe the relationship between the Company and SBD, including the nature of services rendered or products sold to the Company;*

- **Response: See General Objections and Responses.** Subject to and without waiver of the foregoing objections, see Congoleum's response to Request 3.(a) above. Although Congoleum did not engage in transactions with SBD for the disposal, treatment or storage of any barrels, drums, or other containers, it did issue the following two purchase orders:

- (1) Purchase Order 27432 OP on May 30, 2001 for the purchase of (50) 55-gallon open head "haz-mat" drums and (96) 5-gallon steel pails with handles; and
- (2) Purchase Order 26977 OP on June 18, 2001 for "H Rings" for drums.

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Based on available information, these two purchase orders are Congoleum's only interaction with SBD.

- c. *Provide copies of any contracts or agreements between the Company and SBD;*
- **Response: See General Objection and Responses** Subject to and without waiver of the foregoing objections, Purchase Orders 27432 OP and 26977 OP are attached. Based on available information, these two purchases are Congoleum's only interaction with SBD.

4.0

- a. *For each facility identified in Question 3, state the nature of the operations conducted at the facility, including the time period in which the facility operated;*
- **Response: See General Objections.**
- b. *State the name, address, and current RCRA Identification Number of each facility;*
- **Response: See General Objections.**

5.0 *For each transaction between the Company and SBD, provide the following information, which may be provided in tabular format.*

- a. *Identify the specific dates of each transaction and the facility involved with each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;*
- **Response: See Response to Question 3.**
- b. *Identify the number of Containers that were the subject of each such transaction;*
- **Response: See Response to Question 3.**
- c. *Generically describe each Container that was the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.);*
- **Response: See Response to Question 3.**
- d. *Identify the intended purpose and nature of each such transaction (example: Company products sold to SBD, Company waste disposed of by*

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SBD, Company products purchased from SBD, Services rendered to or from the Company to or from SBD, etc.)

- **Response: See Response to Question 3.**

e. *State whether each Container that was the subject of the transaction contained any substance(s) at the time of the transaction. As to each Container that contained any substance:*

(1) *Identify each such substance, including its specific chemical constituent(s), physical state, quantity by volume and weight, and other characteristics;*

- **Response: Not Applicable.**

(2) *Provide all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;*

- **Response: Not Applicable.**

6.0 *Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices.*

- **Response: See General Objections.** Subject to and without waiver of the foregoing objections, Purchase Orders 27432 OP and 26977 OP are attached. Based on available information, these two purchases are the only transactions between Congoleum and SBD.

7.0 *Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.*

- **Response: See General Objections.** Subject to and without waiver of the foregoing objections, the following persons may have had knowledge of the transactions or may have had responsibility regarding the transactions:

Mr. Fred Pagano
Warehouse Manager –Plant 2
(deceased)

Mr. Robert E. Sklenar
Corporate Purchasing Manager
(retired)

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8.0 *If you contend that any Container identified in response to Question 5, above, did not contain any substance at the time of the transaction, state whether such Container had previously been used by the Company to contain any substance, and if so:*

a. *Identify all substances previously contained within such Container, including its specific chemical constituent(s), physical state, and other characteristic(s);*

- **Response:** See Response to Question 3; Not Applicable.

b. *Provide as to such substance(s), all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;*

- **Response:** Not Applicable.

9.0 *Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned.*

- **Response:** Not Applicable.

10.0 *If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.*

- **Response:** Not Applicable.

11.0 *Identify each person consulted in responding to these questions and all questions on which he or she was consulted.*

- **Response:** See General Objections. Subject to and without waiver of the foregoing objections, these answers were prepared based on available documents; the following persons also were consulted in the preparation of these responses.

Mr. Domenic DiCicco
Corporate Purchasing Manager

Mr. Wayne Neville, Sr.
Plant Manager – Plant 2

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Mr. James Kogut
Plant Logistics Manager – Plant 3

Ms. Theresa C. Garrod
Director of Environmental Affairs

12.0 *Identify any other person or entity (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.*

- **Response:** See General Objections and Response to Question 11.

13.0 *Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.*

- **Response:** Not Applicable.

Investigation into this matter is continuing and Congoleum reserves the right to supplement this Response. Should you have questions, please contact me at (215) 988-2916.

Very truly yours,



Bonnie Allyn Barnett

Attached: Purchase Order 27432 OP (May 30, 2001)
Purchase Order 26977 OP (June 18, 2001)
Certification of Answers to Request for Information
(Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey)

cc: William Tucker, Esquire, USEPA

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T. Garrod, Congoleum
W. Neville, Congoleum
D. Garson, Congoleum

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION
Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

State of Pa:

County of Bucks:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

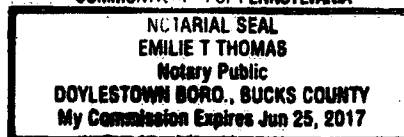
DAN MARSON
NAME (print or type)

COO
TITLE (print or type)

[Signature]
SIGNATURE

Sworn to before me this 13th
day of March, 2014

Emilie T. Thomas
Notary Public
COMMONWEALTH OF PENNSYLVANIA



DATE
05/30/01
VENDOR I.D. #
1952513



PURCHASE ORDER

Congoleum CORPORATION
Meeting Customer Requirements

PURCHASE ORDER	
NO. PAGE	27432 OP 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, BILLS OF LADING, PACKING SLIPS AND PACKAGES.

SHIP TO: CONGOLEUM CORP-PLANT 2
1945 E. STATE ST.
TRENTON NJ 08619

TO: SUPERIOR BARREL & DRUM CO., INC
P.O. BOX 741
GLASSBORO NJ 08028

BILL TO: CONGOLEUM CORP
3500 QUAKERBRIDGE RD
P O BOX 3127
FINANCE PLT 2 A/P
MERCERVILLE NJ 08619

LN	QUANTITY	U/M	ITEM NUMBER	DESCRIPTION	DATE REQ'D	UNIT PRICE	TOTAL PRICE
1.0	50	EA	*	Plant Production Supplies 11903513.5578.00 OPEN HEAD HAZ-MAT DRUMS, 3 DOT, APPROVED 55 GAL. HEAVY GAUGE UNLINED RECONDITIONED W/LIDS 5/16" BOLT TYPE LOCKING RINGS W/1" AND 3" BUNG HOLES IN LID PRINTED BLACK.	05/30/01	13.5000	675.00
2.0	96	EA	*	Plant Production Supplies 11903513.5578.00 5 GALLON STEEL PAILS WITH HANDLES. NO LIDS PAINTED BLACK, UNLINED. * CONFIRMED WITH ALISON	05/30/01	5.1000	489.60
PAGE TOTAL							

REQUISITION NO.	ACCOUNT NUMBER	PROJ/ITEM	PAYMENT TERMS	F.O.B./FREIGHT TERMS	ROUTING
			NET 30 DAYS	SHIPPING POINT	TRUCK
REQUISITIONER	P.O. TOTAL	TAX EXEMPT	TAXABLE	CONGOLEUM CORPORATION	
FRED PAGANO-RE-000399	1,164.60	<input type="checkbox"/>	<input type="checkbox"/>		

SUBJECT TO THE TERMS AND CONDITIONS ON THE BACK HEREOF WHICH ARE A PART OF THIS ORDER.

BY ROBERT E SKLENAR

DATE
06/18/01
VENDOR I.D. #
1952513



PURCHASE ORDER

CORPORATION
Meeting Customer Requirements

PURCHASE ORDER	
NO.	26977 OP
PAGE	1
THIS NUMBER MUST APPEAR ON ALL INVOICES, BILLS OF LADING, PACKING SLIPS AND PACKAGES.	

SHIP TO: CONGOLEUM CORP-PLANT 2
1945 E. STATE ST.
TRENTON NJ 08619

TO: SUPERIOR BARREL & DRUM CO., INC
P.O. BOX 741
GLASSBORO NJ 08028

BILL TO: CONGOLEUM CORP
3500 QUAKERBRIDGE RD
P O BOX 3127
FINANCE PLT 2 A/P
MERCERVILLE NJ 08619

LN	QUANTITY	U/M	ITEM NUMBER	DESCRIPTION	DATE REQ'D	UNIT PRICE	TOTAL PRICE
1.0	50	EA	*	Plant Production Supplies 11903313.5578.00	06/18/01	3.0000	150.00
				H RINGS - 5/8"			

PAGE TOTAL

REQUISITION NO.	ACCOUNT NUMBER	PROJ/ITEM	PAYMENT TERMS	F.O.B./FREIGHT TERMS	ROUTING
			NET 30 DAYS	SHIPPING POINT	TRUCK
REQUISITIONER	P.O. TOTAL	TAX EXEMPT	TAXABLE	CONGOLEUM CORPORATION	
FRED PAGANO	150.00	<input type="checkbox"/>	<input type="checkbox"/>		

SUBJECT TO THE TERMS AND CONDITIONS ON THE BACK HEREOF WHICH ARE A PART OF THIS ORDER.

BY ROBERT E SKLENAR

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Congolium Corporation
1945 E. State St.
Extension, Trenton, NJ 08619
Attn: Wayne Neville, Manager

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Conna McFee*☐ Agent☐ Addressee

B. Received by (Printed Name)

Conna McFee

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7012 1640 0001 8519 2737

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

Bonnie Hriczko
U.S. Environmental Protection Agency
Removal Action Branch-(MS-211)
Building 205
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

